



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

May 7, 2015

Elizabeth Zimmerman
Associate Administrator
Response and Recovery Division
Federal Emergency Management Agency
500 C Street, SW
Washington, D. C. 20472

Through: Paul F. Ford, Acting Regional Administrator
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Dear Ms. Zimmerman:

Please accept this letter as a formal appeal of the scope of the Major Disaster Declaration (FEMA-4214-DR) issued by President Obama for severe winter weather and snow. Specifically, I am requesting that the Federal Emergency Management Agency (FEMA) extend the designated 48-hour period of snow assistance to a 72-hour period of snow assistance for eligible applicants.

As you are aware, this past winter the Commonwealth of Massachusetts experienced a 4-week period of unprecedented and disastrous severe winter weather with record-breaking snowfall and persistent cold temperatures. The combined conditions resulted in snowfall amounts nearing nine feet in central and eastern Massachusetts. Overall, the City of Boston received measurable snowfall on more than half of the days in February (a record) while the National Weather Service (NWS) Taunton Office recorded measurable snowfall in its forecast area on 24 of 33 days between January 24 and February 25, 2015. Official NWS observation sites at Boston's Logan Airport, Blue Hills

Observatory in Milton, NWS Taunton Office, and Worcester all recorded their snowiest February and snowiest thirty-day period on record. In addition to the record breaking snowfall, the average mean temperature for Boston during February was 19 degrees, with a record 22 days—15 of which were consecutive—of *maximum* temperatures below 32 degrees.

The compounding effects of the weeks of successive snowfalls, cold temperatures, and lack of melting exponentially expanded the extent of snow removal operations that were necessary to mitigate the severe weather's impacts on public safety, health, transportation and infrastructure. The sheer volume of accumulated snow forced municipalities to lift and haul – not merely push and plow – large volumes of snow to snow dumping locations (“snow farms”) in parks, vacant lots and other open areas, and waterways. Despite our experience in dealing with harsh winter conditions, this severe winter pattern brought the Commonwealth to a virtual standstill for days at a time.

In response to these severe impacts, on March 27, 2015 I submitted a request to the President to issue a major disaster declaration for the period of January 26 through February 22, 2015 related to the severe impacts and associated costs caused by the repeated snowstorms and cold temperatures. The request asked for Public Assistance (PA) for ten counties (Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk and Worcester), and 28 days of snow assistance for nine counties (Barnstable, Bristol, Dukes, Essex, Middlesex, Norfolk, Plymouth, Suffolk and Worcester). In my request, I cited nearly \$400 million in state and municipal costs for plowing and removing snow, repairing and replacing damaged public facilities, and undertaking emergency protective measures to safeguard the public and protect property during the four weeks of unprecedented snow and cold. On April 13, 2015, the President issued a major disaster declaration for the incident period of January 26-28, 2015, designating PA for the ten requested counties and 48 hours of snow assistance for the nine requested counties.

Although the issued declaration is narrower than requested, Vice President Biden and FEMA Administrator Fugate indicated to members of our Massachusetts Congressional Delegation and me that FEMA recognizes the extraordinary impacts the Commonwealth suffered throughout that four-week period and will be flexible in its eligibility determinations as it reviews costs of snow removal, emergency protective measures and permanent work to damaged facilities. Subsequent to the issuance of the disaster declaration, our appointed FEMA Federal Coordinator acknowledged the unique circumstances, challenges and severity of the cumulative storm impacts by issuing internal guidance that articulates FEMA's proposed flexible approach to making eligibility determinations for PA and snow assistance costs. (See the letter from Mark H. Landry to Kurt Schwartz dated April 21, 2015 and attached hereto as Enclosure A.)

I am most appreciative of the follow through by FEMA on the commitments made to Massachusetts by Vice President Biden and Administrator Fugate. However, even with the flexibility FEMA is articulating, the 48-hour period approved for snow assistance is not adequate given the excessive costs incurred by the state and municipalities in nine counties in plowing, hauling and disposing the crippling amounts of snow from the January blizzard and subsequent

major snowstorms. We have estimated the total cost for snow removal operations for the 28 days to be approximately \$350 million, which not only decimated local snow removal budgets but forced municipalities into deficit spending. Municipalities are currently struggling with managing this significant financial impact, and are being forced into a position of having to cut other critical services to make up these deficits. Because of the real public safety impacts of the unrelenting snow and cold, neither the state nor its municipalities had the option of reducing snow and ice removal operations as budgets were depleted. Regardless of the costs, local communities and state agencies kept the plows, sanders, front end loaders, dump trucks, snow melters, and snow farms operating to minimize impacts to public health and safety and ensure the quickest-possible recovery. An additional 24 hours of FEMA snow assistance is essential to communities to mitigate these ongoing financial impacts. As such, I respectfully request that FEMA extend the period of snow assistance from 48 to 72 hours in all counties currently deemed eligible for snow assistance as part of this declaration.

Under extraordinary circumstances such as those that I have articulated in this appeal letter, FEMA has the authority to grant a 72-hour period of snow assistance. FEMA's Snow Assistance and Severe Winter Storm Disaster Assistance Policy (DAP) 9523.1 allows the FEMA Disaster Assistance Directorate to extend the eligible time period of assistance by 24 hours in counties where snowfall quantities greatly exceed record amounts. More specifically the policy uses the metric of a snowfall event exceeding a historic record by 50 percent to define an extraordinary circumstance. While the January blizzard in and of itself did not exceed records by 50 percent, this record was shattered over the 28-day period and there are alternate but meaningful ways to measure extraordinary impacts. The severe winter weather the Commonwealth experienced has been calculated to be a 1-in-26,000-year event.¹ The impacts of this rare event crippled the Commonwealth, its municipalities, and its transportation systems, caused numerous injuries and deaths, and imposed significant economic impacts that are still being felt to this day.

In addition, despite the qualifying event of January 26-28 not meeting the defined policy criteria of exceeding record snowfall by at least 50 percent, the Code of Federal Regulations (44 CFR§206.227) states that "federal assistance will be provided for all costs eligible under 44 CFR 206.225 for a specified period of time which will be determined by the circumstances of the event." Under this section of the CFR, FEMA is authorized to use discretion in evaluating all extenuating circumstances related to an incident when making a determination.

I urge you to take in to account the unprecedented and severe impacts and associated costs of this event, which provide appropriate justification for allowing 72 hours of snow assistance. Given the unique and historic nature of this severe weather pattern and its impacts on the Commonwealth,

¹ In a study entitled "*Statistics on an Extremely Anomalous Period of Snowfall in Boston, MA*", University of Oklahoma meteorologist Sam Lillo quantified the rarity of the January and February 2015 snow events by conducting a statistical study comparing one million re-sampled winters. Mr. Lillo's study determined that the 2015 winter season is one that would occur only once in every 26,000 years.

the requested 72-hour period for snow assistance is reasonable and necessary under these extraordinary circumstances. I thank you for the support that FEMA has provided to the Commonwealth to date and for your consideration of this appeal request.

If you have any questions about this request, please contact Kurt Schwartz at 508-820-2010 or kurt.schwartz@state.ma.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles D. Baker". The signature is fluid and cursive, with the first name "Charles" being the most prominent.

Charles D. Baker
Governor

cc: Daniel Bennett, Secretary, Massachusetts Executive Office of Public Safety and Security
Kurt N. Schwartz, Director, Massachusetts Emergency Management Agency